

REMARKS

This responds to the Final Office Action dated on September 1, 2005.

Claims 1, 6, 10, 16, and 30, are amended; claims 8 and 26 are cancelled; as a result, claims 1-7, 9-25, and 27-34 are now pending in this application.

§103 Rejection of the Claims

Claims 2-7, 9, 11-15, 17-20, 22, 23, 25 and 29-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over eBay (“eBay Feedback Removal Policy”; hereinafter eBay) in view of SquareTrade (“How SquareTrade’s Dispute Resolution Can Help Resolve Feedback Disputes”; hereinafter Square Trade).

Applicants respectfully submit that claims 2-7, 9, 11-15, 17-20, 22, 23, 25 and 29-34 should not be rejected under 35 U.S.C. § 103 for the reason that prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Claim 16, as amended, includes the limitations of claim 26.

Claim 26 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form (Final Office Action, section 9).

The limitations of dependent claim 26 have been included in amended independent claim 16. Similar amendments have been made to independent claims 1, 10, and 30. Accordingly, Applicants request that the above remarks and amendments contained herein also be considered when examining these other independent claims for allowability.

As dependent claims are deemed to include all limitation of claims from which they depend, the rejection of claims 2-7, 9, 11-15, 17-20, 22, 23, 25, 29 and 31-34 under 35 U.S.C. § 103 is also addressed by the above remarks, and the amendments contained herein.

Claims 1, 10 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over eBay. Applicants request that the above remarks and amendments contained herein also be considered when examining these other independent claims for allow ability.

Allowable Subject Matter

Claims 8, 21, 24 and 26-28 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney 408-846-8871 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date 3 Jan 06

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 3 day of January, 2006.

Peter Rebuffoni
Name

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Signature